

TRULINCS 78867054 - OKPAPAEKE, CHUKWUEMEKA - Unit: BRO-J-A

FROM: 78867054  
TO:  
SUBJECT: Affidavit  
DATE: 04/15/2019 01:03:13 PM

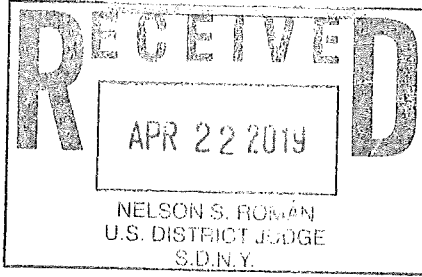
United States District Court  
Southern District of New York

United States of America

v.

Chukwuemeka Okparaেকে

17 Cr. 225 (NSR)



Docket in case # 17 CR/CR 225 (NSR)  
As: Motion for Reconsideration and  
Date: 4/22/2019 Suppression

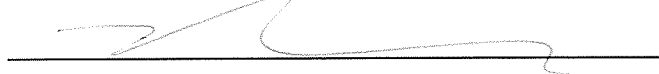
TO THE HONORABLE JUDGE OF SAID COURT

PLEASE TAKE NOTICE that, upon the accompanying Affirmation of Chukwuemeka Okparaেকে, duly sworn on April 15th of 2019, the exhibits annexed thereto, and the Memorandum of Law submitted herewith, defendant CHUKWUEMEKA OKPARAEKE will move this Court to reconsider its ruling of the GPS warrant, move for a Franks Hearing, and suppress any and all evidence found during an illegal search of Okparaেকে's car.

Chukwuemeka Okparaেকে, an inmate duly authorized to defend myself Pro Se, certifies the following under the penalties of perjury pursuant to 28 U.S.C. Section 1746.

1. I am defending myself Pro Se and am fully familiar with the facts and circumstances herein.
2. I respectfully submit this Affirmation in support of my motions for: (I) Reconsideration of the order denying suppression obtained by GPS tracking a mobile phone with the number 908-596-0661; (II) Suppressing any and all evidence obtained by searching Mr. Okparaেকে's automobile on February 1 2017;
3. I have standing to challenge the search of a 2009 Honda Accord with the license plate HAV 7230 because I own it and the car is registered to me.
4. I have standing to challenge the GPS tracking of the 908-596-0661 phone because I own it.
5. I have included in this submission material necessary for the motions: Sprint GPS Warrant and Affidavit, Sprint Subpoena Return, and the Chainalysis Report.
6. On February 1st 2017, I saw Brad Ruggeiri and other law enforcement officers search my car and remove various items from it. One of these items was my Samsung Galaxy S5.
7. I ceased using Coinbase in 2016.

I swear the aforementioned under oath.

  
Chukwuemeka Okparaেকে  
Dated April 15th 2019

TRULINCS 78867054 - OKPAPAEKE, CHUKWUEMEKA - Unit: BRO-J-A

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FROM: 78867054

TO:

SUBJECT: Motion For Reconsideration

DATE: 04/11/2019 05:33:24 PM

I. The Court must reconsider its ruling for the GPS warrant

Defendant Chukwuemeka Okparaeké ("Okparaeké") urges the Court to reconsider the Order and Opinion of Nelson S. Roman, United States District Judge. (Order and Opinion. ("Order and Opinion")16-18, ECF No. 56). "A motion for reconsideration should be granted only when the [party] identifies an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." (citation and internal quotations marks omitted); *Shrader v. (SX Transp., INC.)*, 70 F.3d 255, 257 (2d Cir. 1995).

In the Order and Opinion, the Court determined the warrant affidavit utilized by M.A. Nikolas to ascertain Okparaeké's location on March 7th 2017 was "valid" because there was "sufficient probable cause to believe that Defendant was involved in the distribution of narcotics". This is a clear error in law. The Supreme Court has long distinguished between arrest warrants and search warrants. See *Steagald v. United States*, 451 U.S. 204, 212-13 (1981). An arrest warrant rests on probable cause to believe that the suspect committed an offense; it thus primarily serves to protect an individual's liberty interest against an unreasonable seizure of his person. *Id.* at 213. A search warrant, by contrast, is grounded in a fair probability that a search or seizure will yield evidence of criminal activity. "The critical element in a reasonable search is not that the owner of the property is suspected of crime but that there is reasonable cause to believe that the specific "things" to be searched for and seized are located on the property to which entry is sought." *Zurcher v. Stanford Daily*, 436 U.S. 547 (1978). The Court, when making its decision, erred immensely by ruling that a search warrant was valid because of a fair probability that someone is engaged in crime and essentially passed no judgment on whether or not the search was supported by probable cause. In this very Court's previous ruling that dealt with phone tracking, this Court ruled that there was probable cause to track a phone when, "the JG Serrano Affidavit demonstrated that J. Goode uses his cellphone to facilitate his drug business, sells narcotics at various locations within Haverstraw, New York, including Railroad Avenue, Highway Avenue, Route 9W, and a Mobil gas station, was wary about his surroundings and conducted all of the identified buys outside." *United States v. Goode*, 2018 U.S. Dist LEXIS (Nelson S. Roman, 2018). Thus, this Court understands that for there to have been probable cause to track the 908-596-0661 phone on the warrant there had to have been facts and circumstances presented to the issuing judicial officer that tracking that specific phone would reveal evidence of crime. See *United States v. Gibbs*, 547 Fed. Appx. 174, 179, (4th Cir 2013) (the place to be searched was a cell phone, and the item to be seized was the location information emitted from that cell phone). The affidavit submitted by Nikolas completely and utterly failed to establish a nexus between the phone to be tracked and the distribution of narcotics. It also completely and utterly failed to establish any reason for believing Mr. Okparaeké owned, possessed or was associated with the phone. (GPS Warrant, Aff. in Supp. of a Search Warrant("Nik. Aff.")2.).

Unfortunately, this was not the Court's only clear error of law. In the subsequent Order and Opinion issued by this Court (Order and Opinion ("Order and Opinion")27-28, ECF No. 66), the Court wrote, "The Court notes that Defendant appears to raise a new argument in this motion, namely that Detective Nikolas did not "provide facts to establish that there was any connection between" the cell phone number provided to the Judge and the Defendant. The application for the search warrant, however does included such facts. Detective Nikolas affirmed that the "person associated with the search warrant and target number, Chukwuemeka Okparaeké, is a suspect in the above referenced crimes and is believed to be in possession of a cellular device with the assigned number" provided." This is clearly erroneous because this was not the affidavit or warrant application but the application for sealing which was signed subsequent to the issuance of the search warrant, and, thus, could not have influenced the issuing judicial officer's probable cause determination. The Second Circuit and Supreme Court have been clear in stating that it is the warrant affidavit that establishes probable cause and that any challenges to a search warrant should be based on the information contained within the four corners of an affidavit given under oath. See *United States v. Falso*, 544 F.3d 110, 110 -11 ("All data necessary to show probable cause for the issuance of a search warrant must be contained within the four corners of a written affidavit given under oath...An individual's Fourth Amendment right cannot be vitiated based on Fallacious inferences drawn from facts not supported by the affidavit." See also *Illinois v. Gates*, 462 U.S. 210, 238 ("probable cause assessments are to be made from "all the circumstances set forth in the affidavit.") The Court's position is without question troubling because it is without a scintilla of support in the expansive case law of the Second Circuit or Supreme Court.

Other Federal Courts have suppressed evidence gathered pursuant to warrants because the affidavits were deficient. In *United States v. Moore*, 2015 WL 8779926 (D. Minn. 2015), the Court suppressed the fruits of a phone tracking warrant because the affidavit, "provides nothing but conclusory statements regarding the relationship among the 952 phone, Hood, and the narcotics trafficking, it fails to "create a fair probability" that tracking the 952 Phone will lead to evidence of narcotics trafficking by Hood... Moreover the lack of evidence - and the affidavit's deficiency- is obvious. Accordingly, Deputy William's belief in the existence of probable cause based on the affidavit was "entirely unreasonable" and the Leon Good Faith Exception doesn't apply." *Id.* The

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search warrant submitted by Nikolas is actually weaker than the one submitted by the Affiant in Moore because it does not detail basic information about the phone number to be tracked and detail any connection between this phone number and drug distribution. The affidavit submitted by Nikolas is a carbon copy of the affidavit pilloried by the Tenth Circuit Court of Appeals in *United States v. Gonzales*, 399 F.3d 1225 (10 Cir. 2005). In *Gonzales*, the Court ruled that an affidavit submitted by a police officer lacked in indicia of probable cause because it failed to connect the thing to be searched to criminal activity or the suspect. "For good faith to exist, there must be some factual basis connecting the place to be searched to the defendant or suspected criminal activity. When this connection is wholly absent, the affidavit and resulting warrant are so "so lacking in indicia of probable cause as to render the official belief in its existence entirely unreasonable... Exclusion is appropriate in such circumstances because "reasonably well-trained officers", exercising their own professional judgment, will be able to recognize the deficiency." *Id* at 1231.

The Court also erred immensely when it ruled that the affidavit established a fair probability that Okparaeke was engaged in the distribution of drugs. The affidavit is a conclusory amalgamation of words that fail to establish any probability that Okparaeke had ever sold drugs to anyone. The Court, when making its ruling put great weight into Nikolas's conclusory claim that Okparaeke maintained an account to purchase stamps. Nikolas just alleged that Okparaeke bought stamps without detailing how he knew Okparaeke purchased stamps. "Considering the remark's entirely conclusory nature, there is no likelihood that the magistrate judge relied on to find probable cause." *United States v. Raymonda*, 780 F.3d 105, 119 (2d Cir. 2014). See also, *Gates*, 462 U.S. at 239 (holding that "a wholly conclusory statement...failed" to "provide the magistrate judge with a substantial basis for determining the existence of probable cause.")

In conclusion, the Court's rulings in regards to the GPS warrant are clearly erroneous and have prejudiced Okparaeke immensely and should be reconsidered. Okparaeke's Fourth Amendment rights were clearly violated and any and all evidence that derived from the execution of the GPS warrant should be suppressed. The Court's ruling that a search warrant establishes probable cause when it establishes a fair probability that someone is engaged in crime appears to have been made to deprive Okparaeke of his Fourth Amendment rights and to prevent the action of the exclusionary rule. Just because the Government has alleged Okparaeke was involved in narcotics does not vitiate his right to be free from frivolous seizure. See *Bell v. Maryland*, 378 U.S. 226, 328 (1964)("The worst citizen no less than the best is entitled to equal protection of the laws of his State and of the Nation.").

TRULINCS 78867054 - OKPAPAEKE, CHUKWUEMEKA - Unit: BRO-J-A

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FROM: 78867054  
TO:  
SUBJECT: Nikolas's claim about  
DATE: 04/15/2019 09:47:04 AM

II. Okparaeeke should be granted a hearing pursuant to *Franks v. Delaware* because Nikolas showed gross negligence when drafting the GPS affidavit

While Okparaeeke has argued that the search warrant utilized to GPS track Okparaeeke's phone was so lacking in probable cause that a police officer could not have relied upon it, Okparaeeke would also like to argue for a *Franks* hearing because Nikolas showed an immense disregard for the truth when drafting the affidavit and was grossly negligent. "Ordinarily, a search carried out pursuant to a warrant is presumed valid. However, in certain circumstances, *Franks* permits a defendant to challenge the truthfulness of factual statements made in the affidavit, and thereby undermine the validity of the warrant and the resulting search and seizure." *United States v. Mandell*, 752 F.3d 544, 551-52 (2d Cir. 2014). "[T]o suppress evidence obtained pursuant to an affidavit containing erroneous information, the defendant must show that: (1) the claimed inaccuracies or omissions are the result of the affiant's deliberate falsehood or reckless disregard for the truth; and (2) the alleged falsehoods or omissions were necessary to the [issuing] judge's probable cause [or necessity] finding." *United States v. Rajaratnam*, 719 F.3d 139, 146 (2d Cir. 2013).

A. Nikolas made various claims that were made with a reckless disregard for the truth

Nikolas' claim that he made contact with Okparaeeke via the internet was an out and out lie. At no point in time did he email, skype, sms, snap etc. Okparaeeke via the internet. (See included affidavit.)

Nikolas's claim that, "Through a virtual currency account maintained by the suspect, Your Affiant learned that the suspect is engaged in the movement of funds in and out of the online marketplace where he is operating the business of distributing drugs." was not only vague and conclusory statement that could not have given a judicial officer a substantial basis for finding probable cause, it was also a statement made with a reckless disregard. for the truth.

In February 2017, M.A. Nikolas subpoenaed Coinbase, a cryptocurrency exchange that allows its customers to buy and sell cryptocurrencies, for an account owned by Emeka Okparaeeke. Okparaeeke had ceased using Coinbase the previous year. Upon receiving the return of the subpoena, Nikolas sent the details of one of the Bitcoin addresses that had either sent or received Bitcoins from Okparaeeke's Coinbase account to Chainalysis, a firm that specializes in finding the source for Bitcoins. This particular Bitcoin address (the defense only received two documents from Chainalysis and these documents do not say what the actual Bitcoin address) was shown to have last interacted with Coinbase on August 4 2016. Nikolas's claim that Okparaeeke was engaged in moving "virtual currency" was clearly a lie meant to deceive the Judicial officer issuing the warrant because there was no evidence that Okparaeeke controlled this particular Bitcoin address. Bitcoin addresses are maintained by Bitcoin wallets, usually open-source software, that create strings of digits. To have access to Bitcoin addresses bitcoins a user must have access to a particular wallet. Nikolas had not a scintilla of evidence that Okparaeeke controlled the Bitcoin address nor did Chainalysis provide him with any information that could have lead him to this belief. There is no question that Nikolas knew that Okparaeeke receiving or sending, as late as 6 months prior, Bitcoins from an account that itself received Bitcoins from Alphabay was not indicative of Okparaeeke being engaged in moving virtual currency from Alphabay. Also, it has to be stated that at the time Okparaeeke ceased using Coinbase months before Nikolas issued them a subpoena and could not have been actively utilizing Coinbase to move Bitcoins into and from Alphabay.

"Your Affiant confirmed the suspect lives and works in the geographical area from where the packages originated." was also made to mislead the judicial officer. At the time that Nikolas had applied for the search warrant, Nikolas had made 6 orders from Fentmaster. These packages came from various towns in New Jersey and New York. At the time, Okparaeeke had resided in Walkill, New York, which is 10 miles to 80 miles away from 5 of the 6 towns that packages were mailed from. Nikolas could not have conceivably believed that this statement, that Okparaeeke lived in the same "Geographical Area" as the packages origination was made in good faith. There is no contiguous geographical area that encompasses these towns unless Nikolas meant the phrase geographical area in the most general sense (for example, The East Coast, The Eastern Sea Board, New England, The Tri-state Area, The Midwest, The Pacific Northwest, The Great Lakes Region, The Mississippi Region, The South etc..). This statement was made with an intent to mislead the judicial officer and surely did so.

B. Nikolas omitted material information

Nikolas omitted material information from the affidavit, principally that a subpoena return clearly showed that Okparaeeke was not the owner of the 908-596-0661 phone.

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The affiant failed to disclose to the issuing judge that he had Subpoenaed the account information for the 908-596-0661 phone. This showed that the phone was registered to Okoro Okparaeke. (See attached Sprint Subpoena). Had Nikolas alerted the judge that the phone to be tracked was registered to someone who was not a suspect, Judge Azcarate would not have issued the warrant. Nikolas would have had to present some evidence detailing some form of connection between this phone and the suspect.

C. The statements were clearly material

In conclusion, the aforementioned statements were clearly material to the probable cause determination and the warrant would have not been issued had Nikolas alerted the judicial officer that there was strong evidence that Okparaeke did not carry the phone.

Therefore, Okparaeke should be granted a suppression hearing or the Court should suppress the evidence derived from the GPS warrant without a hearing.



TRULINCS 78867054 - OKPARAEKE, CHUKWUEMEKA - Unit: BRO-J-A

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FROM: 78867054  
TO:  
SUBJECT: Search of Car  
DATE: 04/18/2019 07:33:45 AM

III. Any and all evidence that derived from the illegal search of Okparaek's car should be suppressed

On February 1st 2017, various law enforcement officers arrested Chukwuemeka Okparaek after a controlled delivery. After arresting Okparaek, he searched his automobile and seized from it his Samsung Galaxy S5 phone. Subsequent to the seizures of Okparaek, he was taken to a local police station, interviewed and released. Prior to his release, police officers placed his illegally seized phone on the table and asked him what the phone number was and what the make and model of the phone was. Law enforcement officers then used this information, which clearly derived from the illegal search of his car to apply for a search warrant of his phone. Okparaek moves to suppress the illegal search of Okparaek's phone because it derived from an illegal search of his car and an illegal seizure of his phone.

A. There was not probable cause to search Okparaek's car

At the time that law enforcement officers searched Okparaek's car, law enforcement knew that a package addressed to Okparaek at the Middletown New York UPS store had been intercepted and field tested for an illegal substance. They also knew that he called the day prior to inquire about the status and responded to a voicemail that inquired if he could come and pick it up. They also knew that Okparaek had just gone to the local USPS location to pick the package up. This falls far short of establishing that there was probable cause to search Okparaek's car. "[P]robable cause to search... exist[s] where the known facts and circumstances are sufficient to warrant a man of reasonable prudence in the belief that contraband or evidence of a crime will be found[]"Ornelas v. United States, 517 U.S. 690, 696 (1996).

There were clearly no facts and circumstances that would have allowed reasonable officers to believe that in Okparaek's vehicle there was evidence of a crime. They had no evidence Okparaek had ever possessed contraband, distributed narcotics, etc.. They had no information that evidence of narcotics or narcotics distribution would have been found in Okparaek's car.

B. Fruit of the poisonous tree

Subsequent to the interview of Okparaek, law enforcement officers executed a search warrant for Okparaek's phone. This phone warrant was the direct result of the illegal search of Okparaek's car because the police would have been unable to identify the phone had they not seized the phone, placed it on the table after Okparaek's arrest, and asked Okparaek to describe it with particularity.

Therefore, the Court should suppress the search of the phone as fruit of the poisonous tree.

TRULINCS 78867054 - OKPAPAEKE, CHUKWUEMEKA - Unit: BRO-J-A

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FROM: 78867054

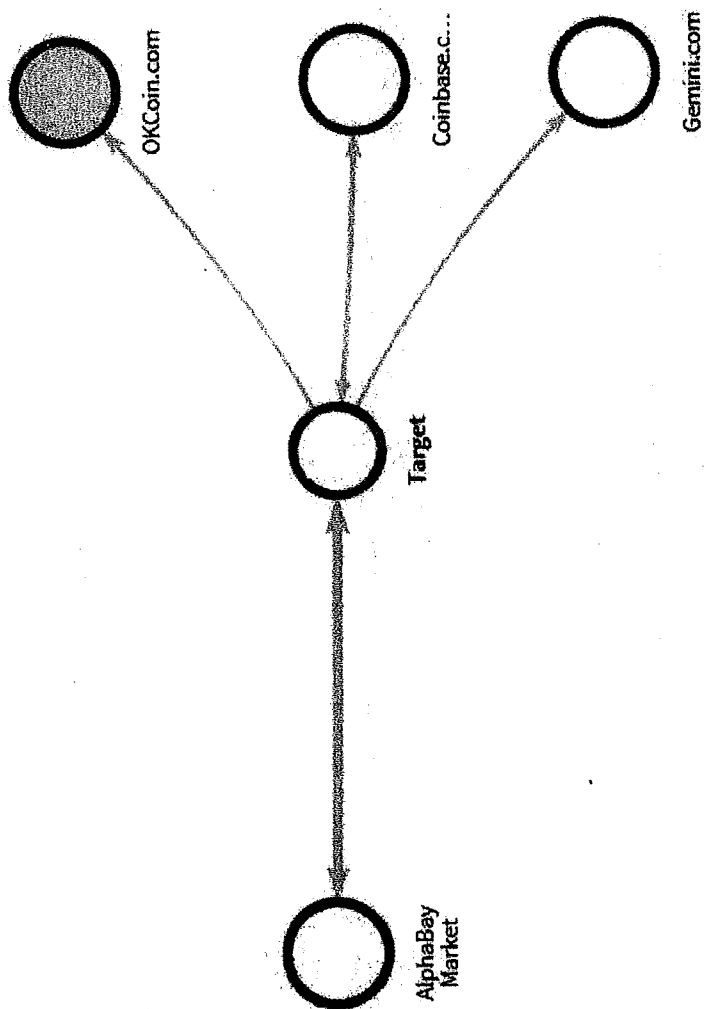
TO:

SUBJECT: Exhibit: Chainanalysis report

DATE: 04/18/2019 08:42:41 AM

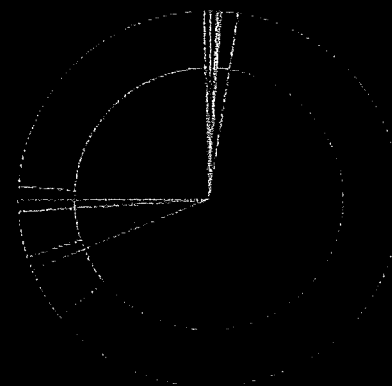
Exhibit: Chainanalysis report

Please contact [support@okcoin.com](mailto:support@okcoin.com) if you wish to extend your subscription.



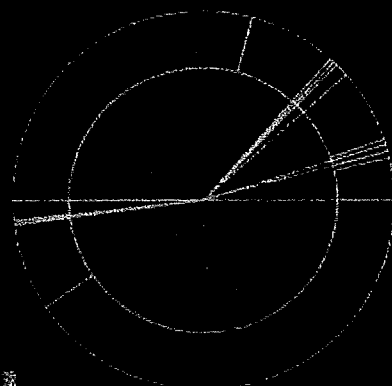
EXPOSURE

uncovered exchange



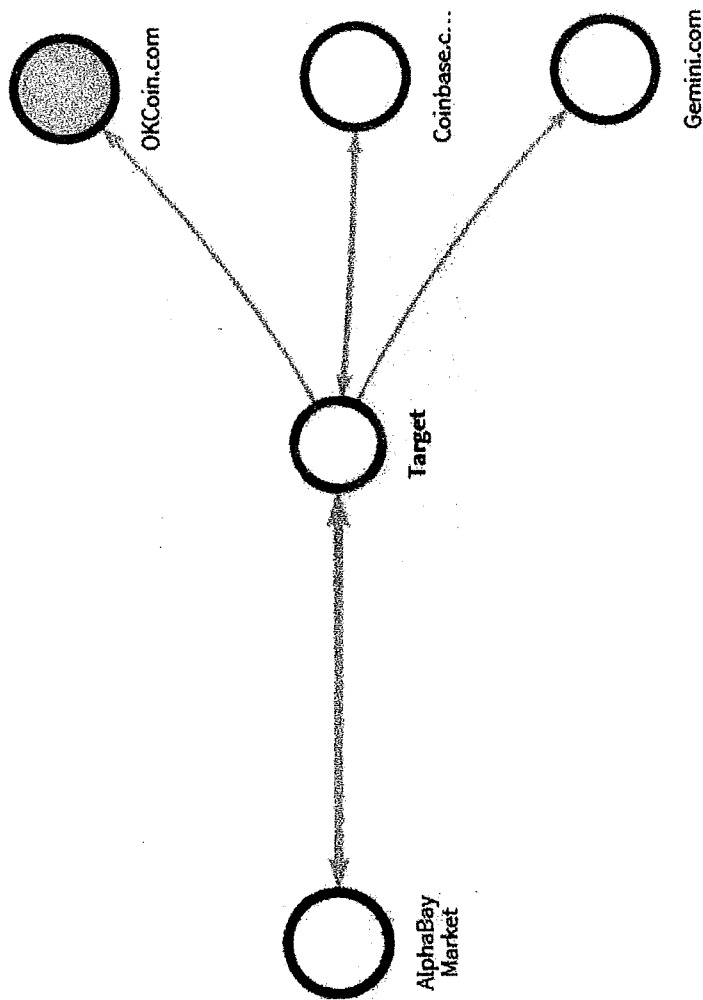
hot market

Receiving Exposure



hot market





COUNTERPARTIES	TXID	Sent	Received	Flow	First	Last
AlphaBay Market	Q	3.015	539.775	536.760	2/2/16	2/15/16
1GZo2CPg5ta6HxVv67gdPrcA2t3Hzx6so	Q	0	6.236	6.236	10/5/16	11/16/16
17LaQ7w22XxGPau2A9ZWV71dC4oSLH3gH	Q	0	5.050	5.050	12/27/16	12/27/16
Coinbase.com	Q	5.578	4.843	-0.735	1/20/16	8/4/16
1B07wQoYCHT8HTfduW5nVocQFzqHcYXnQ	Q	0	2.767	2.767	11/5/16	11/5/16
12Thbjt1ZqJ3QNZ62NG2cz5Fj4J8Eij5-K7G	Q	0	2.681	2.681	11/22/16	11/22/16
Circle.com	Q	0	2.697	2.697	2/24/16	8/8/16
1GQCqjF2qRYLnfyuez85Xk07TuzqQA3Y96	Q	0	2.359	2.359	12/6/16	12/24/16
16ccHq35EYVKw5Tqd8kZd4ek1L4kLH4ud5	Q	0	2.110	2.110	11/4/16	11/4/16
Paxful.com	Q	0	2.096	2.096	2/17/16	6/24/16
1BLVygkdDoF4iGR8zkDRsGDfjHcpV3pQ2Q	Q	0	1.890	1.890	9/19/16	9/19/16
1JbtNaD1W6QipDvFHXa5JbYGLR0w4W5Y2	Q	0	1.890	1.890	12/23/16	12/23/16
125md1Za0vce4VnU778ubwCAH62d4YvDn	Q	0	1.834	1.834	11/11/16	11/11/16

TRULINCS 78867054 - OKPAPAEKE, CHUKWUEMEKA - Unit: BRO-J-A

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FROM: 78867054

TO:

SUBJECT: Exhibit: Sprint Subpoena

DATE: 04/18/2019 08:41:41 AM

Exhibit: Sprint Subpoena



Sprint  
Donesha Robinson  
Corporate Security, Subpoena Specialist  
Mailstop KSOPHM0206  
6480 Sprint Parkway  
Overland Park, KS 66251  
Phone: 913-315-1363 Fax: 816-600-3111  
Email: donesha.robinson@sprint.com  
Toll Free: 800-877-7330



02/12/2017

Mike Nickolas  
Fairfax County Police Department  
6507 Columbia Pike  
Annandale, VA 22003

**Your Case Number: 908-596-0661**  
**Sprint Case Number: 2017-031896**

Dear Mike Nickolas,

Pursuant to the above-referenced case, I am enclosing the requested information for the specified time period.

Please use the contact information listed above for any questions or further inquiries regarding this request.

Sincerely,

Donesha Robinson  
Subpoena Compliance  
Sprint Corporate Security  
donesha.robinson@sprint.com  
913-315-1363

Enclosures

**\*Notice:** If the records contained in the attached package are utilized in trial proceedings, and if you require a records custodian for authentication, be advised Sprint does not have local representatives. Sprint's Trial Team is located at our Corporate Headquarters in Overland Park, Kansas. You will need to contact the Trial Team at CSTrialTeam@Sprint.com or call our office at 800-877-7330. Our office will require at least a two-week notice in addition to pre-paid travel arrangements by your office.

**Sprint L-Site**

Sprint has an interactive web tool for law enforcement known as L-Site. If you are unfamiliar with L-Site and wish to obtain further information, please send an email to: L-Site@Sprint.com.

**Sprint Requested Information**  
**Sprint Case #: 2017-031896**  
**Reference Case #: 908-596-0661**

Please be advised, Sprint does not retain PictureMail, Email or Text content.

**Request Type:** Subscription Info (Basic)

**Date Range:** 08/01/2016 12:00:00 AM to 02/09/2017 2:00:00 PM

**Subject Number:** 9085960661

**Comments:**

\*\*\*\*\* ACCOUNT DETAILS \*\*\*\*\*

Billing Account Number (BAN): 143970550

Account Establish Date: 10/15/2010

Account Expiration (Cancel) Date: Active through Date Searched

Account Billing Address(es):

Effective: 10/15/2010

OKORO OKPARAEKE

8 MEHAR CT

JACKSON, NJ 08527

Effective: 10/15/2010

OKORO OKPAPRAEKE

8 MEHAR CT

JACKSON, NJ 08527

Account Contact Numbers:

Phone: 7328331556 Active Date: 2/7/2017

\*\*\*\*\* SUBSCRIBER DETAILS \*\*\*\*\*

SubscriberID: 14941546021

Personal Telephone Number

(PTN / MDN)

9085960661

Effective

Status Date: 12/24/2014 11:16:03 AM

Status: A

Media Access Control Identifier

(MAC\_ID)

NO DATA FOUND

Effective

Urban Fleet Mobile Identifier

(UFMI)

NO DATA FOUND

Effective

Non iDEN Direct Connect / Push to Talk

(HPPTT)

NO DATA FOUND

Effective

Internet Protocol Address

(IP)

NO DATA FOUND

Effective

Network Access Identifier

(NAI)

OKOROOKPAPRAEKE03@SPRINTPCS.COM 12/24/2014 11:16:03 AM

Status: A

Effective

\*\*\*\*\*EQUIPMENT\*\*\*\*\*

International Mobile Subscriber Identity(s) (IMSI)

310120050425588      Status Date: 7/22/2015 12:00:00 AM      Status: A

Universal Integrated Circuit Card(s) (UICC)  
NO DATA FOUND

Mobile Station Identification Number(s) (MSID)  
000007322461437      12/24/2014 11:16:03 AM      Status: A

Subscriber Identity Module(s) (SIM)  
NO DATA FOUND

Electronic Serial Number (ESN/MSN)  
256691514307555156      Effective: 7/22/2015      Expiration: Active through Date Searched

International Mobile Station Equipment Identity (IMEI)  
NO DATA FOUND

\*\*\*\*\*FEATURES\*\*\*\*\*

4G Domestic Data Roaming	Effective: 1/12/2015	Expiration: Active through Date Searched
America - Roaming Include	Effective: 9/17/2014	Expiration: Active through Date Searched
Anytime Minutes	Effective: 9/17/2014	Expiration: Active through Date Searched
Call Forwarding	Effective: 9/17/2014	Expiration: Active through Date Searched
Caller ID	Effective: 9/17/2014	Expiration: Active through Date Searched
Domestic Data Roaming	Effective: 9/17/2014	Expiration: Active through Date Searched
Domestic LD Rate \$0	Effective: 9/17/2014	Expiration: Active through Date Searched
Enhanced VoiceMail	Effective: 9/17/2014	Expiration: Active through Date Searched
Long Distance While Roami	Effective: 9/17/2014	Expiration: Active through Date Searched
LTE Provisioning Feature	Effective: 9/17/2014	Expiration: Active through Date Searched
MMS Messaging	Effective: 9/17/2014	Expiration: Active through Date Searched
Phone as Modem	Effective: 9/17/2014	Expiration: Active through Date Searched
Required Provisioning Fea	Effective: 9/17/2014	Expiration: Active through Date Searched
Shared 3G/4G/PAM Data KBs	Effective: 9/17/2014	Expiration: Active through Date Searched
SMS Text Messages	Effective: 9/17/2014	Expiration: Active through Date Searched
Sprint 4G Data Services	Effective: 9/17/2014	Expiration: Active through Date Searched
Sprint 4G LTE PAM Service	Effective: 9/17/2014	Expiration: Active through Date Searched
Sprint 4G PAM Services	Effective: 9/17/2014	Expiration: Active through Date Searched
Sprint Data Services	Effective: 9/17/2014	Expiration: Active through Date Searched
Sprint eHRPD Data	Effective: 9/17/2014	Expiration: Active through Date Searched
Sprint eHRPD PAM Services	Effective: 9/17/2014	Expiration: Active through Date Searched
Sprint PAM Services	Effective: 9/17/2014	Expiration: Active through Date Searched
\$015/MB OnNetOvg \$00001	Effective: 9/17/2014	Expiration: Active through Date Searched

=====

\*\*\*\*\*

**Request Type:** CDR w/Cell Site

**Date Range:** 08/01/2016 12:00:00 AM to 02/09/2017 2:00:00 PM

**Subject Number:** 9085960661

**Comments:**

A thorough search has been completed. Please see attached records found for the requested time period.

\*\*\*\*\*

TRULINCS 78867054 - OKPAPAEKE, CHUKWUEMEKA - Unit: BRO-J-A

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FROM: 78867054

TO:

SUBJECT: Exhibit: Fairfax Count Sprint GPS Warrant

DATE: 04/18/2019 08:42:17 AM

Exhibit: Fairfax Count Sprint GPS warrant and affidavit



**EXHIBIT “1”**

**EXHIBIT “1”**

**TO THE OFFICER SEEKING THIS SEARCH WARRANT**

You are hereby commanded in the name of the Commonwealth to forthwith properly serve, as defined in §19.2-70.3(K), the following provider of electronic communications service or remote computing service: REAL

2017 MAR 23 PM 12:10  
Fairfax County

This executed SEARCH WARRANT shall be returned to the \_\_\_\_\_  
after the SEARCH WARRANT is executed.

10th Circuit Court  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

TO Sprint, 6480 Sprint Pkwy, Overland Park, Kansas 66251

**THE PROVIDER OF ELECTRONIC COMMUNICATION SERVICE OR REMOTE COMPUTING SERVICE:**

You are hereby ordered to search for and disclose the following real-time location data records:

See attached Ex Parte Order

You are required to provide ongoing disclosure of these records for 30 days (not to exceed 30 days).

This SEARCH WARRANT is issued in relation to an offense substantially described as follows:

18.2-248, Distribution of Schedule I Narcotics.

I, the undersigned, have found probable cause that the real-time location data records are relevant to a crime that is being committed or has been committed, or that an arrest warrant exists for the person whose real-time location data is sought

☐ and have found probable cause that the records requested are actually or constructively possessed by a foreign corporation that provides electronic communication service or remote computing within Virginia.

I further find that the real-time location data records should be searched and disclosed, based on the statements in the Attached affidavit sworn by

NAME OF AFFIANT

2.24.17 1552

DATE AND TIME

DC-309 (MASTER, PAGE ONE OF TWO) 07/15

M.A. Nickerson

☐ CLERK ☒ JUDGE

SEARCH WARRANT FOR  
REAL-TIME LOCATION DATA

COMMONWEALTH OF VIRGINIA

v. *In re*

908-596-0661

CO\_000143

<b>EXECUTION</b>	
Executed by properly serving, pursuant to §19.2-70.3(K), the provider of electronic communication service or remote computing service as follows:	
Method of service: <u>L SITE</u>	
The following person was served:	
NAME	
TITLE	
ADDRESS	
FACSIMILE NUMBER (IF APPLICABLE)	
2/24/17 1600	
DATE AND TIME EXECUTED	
<u>[Signature]</u> M.A. Nickolas	
EXECUTING OFFICER	
Certified to <u>FAIRFAX COUNTY</u>	
Circuit Court on <u>3/23/17</u>	
DATE	
<u>[Signature]</u> M.A. Nickolas	
EXECUTING OFFICER	

FILED  
CRIMINAL

3/23/23 FILED

JOHN L. FREDERICK  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

CO\_000144

CO\_000145

REAL ME LOCATION DATA  
Commonwealth of Virginia VA. CODE § 19.2-70.3(C)

FILED  
CRIMINAL

The undersigned Applicant states under oath:

1. The real-time location records are requested in relation to an offense substantially described as follows:

18.2-248, Distribution of Schedule I Narcotics.

JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

[ ] CONTINUED ON ATTACHED SHEET

2. The provider of electronic communication service or remote computing service requested to search for and disclose real-time location data records is described as follows:  
Sprint, which is a foreign corporation as defined by Section 19.2-70.3(F) of the Code of Virginia (1950), as amended, located at 6480 Sprint Pkwy, Overland Park, Kansas 66251, or any other electronic communication or remote computing service that is capable of disclosing real-time location data and records for the electronic device that is currently assigned the service account 908-596-0661.

3. [X] The provider of electronic communications service or remote computing service is a foreign corporation, and the records requested are believed to be actually or constructively possessed by this foreign corporation that provides electronic communication service or remote computing service within Virginia. The material facts establishing probable cause for such a belief are:

See attached affidavit.

[ ] CONTINUED ON ATTACHED SHEET

(OVER)

DC-308 (MASTER, PAGE ONE OF TWO) 07/15

# AFFIDAVIT FOR SEARCH WARRANT FOR REAL-TIME LOCATION DATA

APPLICANT:

M. A. Nickolas

NAME

Detective

TITLE (IF ANY)

4100 Chain Bridge Road

ADDRESS

Fairfax, VA 22030

Certified to Clerk of

CITY OR COUNTY

Circuit Court

on

DATE

TITLE

SIGNATURE

Original Delivered ☒ in person [ ] by certified mail  
[ ] by electronically transmitted facsimile  
[ ] by use of filing/security procedures defined in the Uniform Electronic

Transactions Act

to Clerk of FAIRFAX COUNTY Circuit Court

CITY OR COUNTY WHERE EXECUTED

3/23/17

DATE

DETECTIVE

TITLE

SIGNATURE

Complete only if different than the above, or complete if provider is a foreign corporation:

Copy delivered ☒ in person [ ] by certified mail  
[ ] by electronically transmitted facsimile  
[ ] by use of filing/security procedures defined in the Uniform Electronic

Transactions Act

to Clerk of FAIRFAX COUNTY Circuit Court

CITY OR COUNTY OF ISSUANCE

3/23/2017

DATE

DEPUTY CLERK

TITLE

SIGNATURE

Myisha Goodwin

4. The real-time location data records to be searched for and disclosed are described as follows:

See attached addendum.

5. The following material facts constitute probable cause that:

☒ The real-time location data records to be searched for and disclosed are relevant to a crime that is being committed or has been committed AND/OR

☐ An arrest warrant exists for the person whose real-time location data is being sought:

6. ☐ I have personal knowledge of the facts set forth in this affidavit AND/OR

☒ I was advised of the facts set forth in this affidavit, in whole or in part, by one or more other person(s). The credibility of the person(s) providing this information to me and/or the reliability of the information provided may be determined from the following facts:

Your Affiant has received information from National Crime Information Center, Department of Motor Vehicles, Other Law Enforcement Agents and Resources, as well as individuals who provided information and personal accounts. Your Affiant, in each case, upon verifying and corroborating the information received, found the information to be accurate and reliable.

The statements above are true and accurate to the best of my knowledge and belief.

Detective

TITLE OF APPLICANT

Subscribed and sworn before me this day.

24th 17th 1955

DATE AND TIME

DC-308 (MASTER, PAGE ONE OF TWO) 07/15

FILED  
CRIMINAL

2017 MAR 23 PM 12:11

CLERK, CIRCUIT COURT  
FAIRFAX, VA

APPLICANT

M. A. Nickerson

[ ] MAGISTRATE [ ] JUDGE

CO\_000146

FILED  
CRIMINAL

2017 MAR 23 PM 12:12

**AFFIDAVIT  
IN SUPPORT OF A SEARCH WARRANT**

JOHN T. STONE  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

Before the undersigned Judge in and for the County of Fairfax, came this 24<sup>th</sup> day of February, 2017, Your Affiant, **Detective M. A. Nickolas**, of the Fairfax County Police Department.

Your Affiant has been a sworn law enforcement officer in the Commonwealth of Virginia for over (15) years and is currently a detective, assigned to the Criminal Intelligence Division. Your Affiant was previously assigned to the Mason District Station Criminal Investigations Section where he was a Detective for over (7) years. Prior to that Your Affiant was assigned to the Patrol Division, where he conducted criminal investigations, assisted in the execution of search warrants and received training from the Fairfax County Justice Academy as a recruit, as well as on a consistent basis as a sworn law enforcement officer. Your Affiant has conducted numerous criminal investigations which have led to arrests and successful prosecutions in the General District and Circuit Courts of Fairfax County, Arlington County, Prince William County and the City of Alexandria. Your Affiant has been a sworn law enforcement officer during all times stated herein.

Your Affiant is requesting a search warrant be issued in relation to an ongoing investigation, involving the violation of Virginia State Code(s) 18.2-248, Distribution of Schedule I Narcotics.



**AFFIDAVIT IN SUPPORT  
OF A SEARCH WARRANT**

FILED  
CRIMINAL

Your Affiant is respectfully requesting the search warrant be issued pursuant to §§ 19.2-61 and 19.2-70.3 of the Code of Virginia (1950), as amended, and Title 18, United States Code, §§ 2510 and 2703, demanding that Sprint, located at 6480 Sprint Pkwy, Overland Park, Kansas 66251, or any other electronic communications provider or service in possession of the requested records, shall forthwith furnish agents of the Fairfax County Police Department or their lawful designee with electronic communication records and assistance, pertaining to cellular/wireless phone number 908-596-0661, which will include subscriber information, call detail records, SMS, MMS, and any other type of data transmission records, Wireless Internet/Data usage, and Internet Protocol (IP) connection records for the time period starting on February 2, 2017, as well as real-time location data extending thirty (30) days past the date this search warrant is served on the Provider. Based on the facts adduced in this affidavit, there is probable cause to believe that the requested data will provide for the location and investigation into **Chukwuemeka Okparaekwe**, who is currently a distributor of schedule I narcotics in violation of § 18.2-248, respectively, of the Code of Virginia (1950), as amended.

The records and assistance subject to this search warrant are enumerated below:

1. Historical cell site activations, to include sector information for beginning and termination of all calls, related to all transmitted communication requested in this search warrant;
2. Numbers transmitted to and from, including phone calls, SMS, MMS, and any other data transmission, and direct connections, if applicable during the time frames requested;
3. Date, time, and duration of all transmitted communication;
4. Signaling information;

**AFFIDAVIT IN SUPPORT  
OF A SEARCH WARRANT**

FILED  
CRIMINAL

2017 MAR 23 PM 12:12

CLERK OF COURT  
FAIRFAX, VA

5. Subscriber, MIN/ESN, IMSI, MSID and billing/payment information for the specified cellular/wireless telephone, to include any Customer Account Notes associated with the account;
6. Subscriber, MIN/ESN, IMSI, MSID and billing/payment information for any other cellular/wireless telephones on this account;
7. Wireless Internet usage and IP connection records to include any IP addresses assigned to this account's device(s), logon dates and times and length of session, the IP address assigned to each session and any known domain names and any related cell site information;
8. Records and assistance requested in this order shall be provided to any agent of the Fairfax County Police Department, or their lawful designee, upon request;
9. It is further ordered that all subscriber information, call detail records, data transmission records, wireless Internet usage, and IP connection records be provided in an electronic format specified by any agent of the Fairfax County Police Department or their lawful designee;
10. That this order shall cover and be applied to any cellular/wireless MIN/ESN or IMSI that the subscribers of the phones covered by this order may change service to, for the duration of this order;
11. Such service provider shall initiate real-time location services or a geo-location signal, mobile locator services, E911 services, and/or any other service provided by the carrier indicating precision location data in real time to determine the location of the subject's mobile device on the service provider's network or with such other reference points as may reasonably be available and at such intervals and times as requested by the Fairfax County Police Department or their lawful designee;
12. Range to Tower (RTT) Reports and/or Per Call Measurement Data (PCMD).

Your Affiant submits the following facts as probable cause for the issuance of this search warrant:

**AFFIDAVIT IN SUPPORT  
OF A SEARCH WARRANT**

FILED  
CRIMINAL

2017 MAR 22 5:12 PM  
JOHN T. FREY  
CLERK OF DISTRICT COURT  
FAIRFAX, VA

During the months of October 2016 through January 2017 Your Affiant was working in an undercover capacity attempting to identify distributors of drugs within Fairfax County. Your Affiant made contact with a suspect known as Chukwuemeka Okparaekwe via the internet who offered to distribute schedule I drugs (18.2-248) into Fairfax County via the United States Postal Service (USPS). Over these months Your Affiant made multiple purchases of schedule I drugs from this suspect. Each time the suspect sent the drugs it was through the USPS and received by Your Affiant within Fairfax County. Multiple packages had labels affixed which displayed addressed handwriting with unique characteristics.

Through open source statements by the suspect, Your Affiant was able to identify multiple schedule 1 drug packages entering the United States destined for the suspect. Furthermore, Your Affiant was able to compare known handwriting samples from the suspect to the packages Your Affiant received with handwritten labels. The handwriting on the labels was consistent with the unique handwriting of the suspect.

Your Affiant confirmed that the suspect lives and works in the geographical area from where the packages originated. In addition the suspect maintains an account with the USPS to purchase stamps online. The suspect has purchased thousands of Dollars in stamps during the time period Your Affiant has been purchasing drugs from him. In many cases the purchased stamps of the suspect match the stamps received by Your Affiant.

Through a virtual currency account maintained by the suspect, Your Affiant learned that the suspect is engaged in the movement of funds in and out of the online marketplace where he is operating the business of distributing drugs.

**AFFIDAVIT IN SUPPORT  
OF A SEARCH WARRANT**

The following has been learned about **Sprint**:

**Sprint** is a "foreign corporation" as defined by § 19.2-70.3 of the Code of Virginia (1950), meaning that their primary place of business is located outside of the boundaries of the Commonwealth and that they make contracts or engage in a terms of service agreement with residents of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. Furthermore Your Affiant believes that the records requested are actually or constructively possessed by this foreign corporation that provides electronic communications service or remote computing service within the Commonwealth of Virginia.

Based upon the aforementioned facts, your Affiant believes that the records collected from **Sprint** as well as the disclosure of real-time location data, will aid in the location and investigation of **Chukwuemeka Okparaek**e and it is believed by your Affiant that the disclosure of location-based services, will allow law enforcement to monitor **Chukwuemeka Okparaek**e's criminal activities to include future dealings with customers living in and around Fairfax County, Virginia.

**AFFIDAVIT IN SUPPORT  
OF A SEARCH WARRANT**

FILED  
CRIMINAL

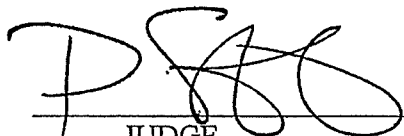
2017 MAR 23 PM 12:12

JOHN T. FREY

AFFIANT, CLERK, CIRCUIT COURT  
FAIRFAX, VA.

Detective M. A. Nickolas

Subscribed and sworn before me this 24<sup>th</sup> day of February, 2017.

  
JUDGE

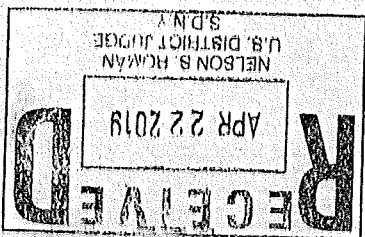
2.24.17/1554  
DATE/TIME

CHUKWUEMEKA OKSAGAEKE 78867-054  
Metropolitan Detention Center  
P.O. Box 329002  
Brooklyn, NY 11232

800 5e Subm Design

Nelson S Roman  
United States District Court Judge  
300 Quarropas Street  
White Plains, NY 10601

USMWP  
UNIT 7



INCLUDES EX PARTE  
COMMUNICATIONS

